

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1085 be amended to read as follows:

1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:

3 "SECTION 1. IC 3-10-1-19 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 19. (a) The
5 ballot for a primary election shall be printed in substantially the
6 following form for all the offices for which candidates have
7 qualified under IC 3-8:

8 OFFICIAL PRIMARY BALLOT

9 _____ Party

10 To vote for a person make a voting mark (X or ✓) on or in
11 the box before the person's name in the proper column.

12 Vote for one only

13 Representative in Congress

14 ☐ (1) AB _____

15 ☐ (2) CD _____

16 ☐ (3) EF _____

17 ☐ (4) GH _____

18 (b) The offices with candidates for nomination shall be
19 placed on the primary election ballot in the following order:

20 (1) Federal and state offices:

21 (A) President of the United States.

22 (B) United States Senator.

23 (C) Governor.

- (D) United States Representative.
- (2) Legislative offices:
- (A) State senator.
- (B) State representative.
- (3) Circuit offices and county judicial offices:
- (A) Judge of the circuit court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the circuit court.
- (B) Judge of the superior court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the superior court.
- (C) Judge of the probate court.
- (D) Judge of the county court, with each division separate, as required by IC 33-10.5-4-2.
- (E) Prosecuting attorney.
- (F) Clerk of the circuit court.
- (4) County offices:
- (A) County auditor.
- (B) County recorder.
- (C) County treasurer.
- (D) County sheriff.
- (E) County coroner.
- (F) County surveyor.
- (G) County assessor.
- (H) County commissioner.
- (I) County council member.
- (5) Township offices:
- (A) Township assessor.
- (B) Township trustee.
- (C) Township board member.
- (D) Judge of the small claims court.
- (E) Constable of the small claims court.
- (6) City offices:
- (A) Mayor.
- (B) Clerk or clerk-treasurer.
- (C) Judge of the city court.
- (D) City-county council member or common council member.
- (7) Town offices:
- (A) Clerk-treasurer.
- (B) Judge of the town court.
- (C) Town council member.
- (c) The political party offices with candidates for election shall be placed on the primary election ballot in the following order after the offices described in subsection (b):
- (1) Precinct committeeman.

1 (2) State convention delegate.

2 (d) The following offices and public questions shall be
3 placed on the primary election ballot in the following order
4 after the offices described in subsection (c):

5 ~~(1) School board offices to be elected at the primary~~
6 ~~election.~~

7 ~~(2) Other~~ (1) Local offices to be elected at the primary
8 election.

9 ~~(3)~~ (2) Local public questions.

10 (e) The offices and public questions described in subsection
11 (d) shall be placed in a separate column on the ballot if voting
12 is by paper ballot, ballot card voting system, or electronic
13 voting system or in a separate column of ballot labels if voting
14 is by voting machine.

15 (f) A public question shall be placed on the primary election
16 ballot in the following form:

17 (The explanatory text for the public question,
18 if required by law.)
19 "Shall (insert public question)?"

20 ☐ YES

21 ☐ NO

22 SECTION 2. IC 3-10-1-19.2 IS AMENDED TO READ AS
23 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 19.2. (a)
24 Whenever candidates are to be nominated for an office that
25 includes more than one (1) district, the districts shall be placed
26 on the ballot in alphabetical or numerical order, according to
27 the designation given to the district.

28 (b) Whenever candidates are to be nominated for an office
29 that includes both an at-large member and a member
30 representing a district, the candidates seeking nomination as an
31 at-large member shall be placed on the ballot before candidates
32 seeking nomination to represent a district.

33 (c) This subsection applies to a ~~school board office or~~
34 political office to be elected at the primary election ballot.
35 Candidates for a ~~school board office or~~ a political party office
36 shall be placed on the ballot in accordance with the rules
37 applicable to candidates for nomination to an office under
38 subsections (a) and (b).

39 SECTION 3. IC 3-10-1-32 IS AMENDED TO READ AS
40 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 32. Primary
41 election returns must contain the whole number of votes cast
42 for:

43 (1) each candidate of each political party;

44 (2) each public question voted on at the primary election;

1 and

2 (3) each candidate for election to a ~~school board office or~~
3 political party office.

4 SECTION 4. IC 3-11-2-14 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 14. (a) The
6 following offices and public questions shall be placed on the
7 general election ballot in the following order after the offices
8 and public questions described in section 13 of this chapter:

9 (1) Retention of a local judge.

10 (2) Local nonpartisan judicial offices.

11 (3) School board offices. ~~to be elected at the general~~
12 ~~election.~~

13 (4) Local public questions.

14 (b) These offices and public questions shall be placed in a
15 separate column on the ballot or ballot label if voting is by
16 paper ballot, ballot card voting system, or electronic voting
17 system or in a separate column of ballot labels if voting is by
18 voting machine.

19 (c) If the ballot contains a candidate for a local nonpartisan
20 judicial office or for a school board office, the ballot must also
21 contain a statement that reads substantially as follows: "To vote
22 for a candidate for this office, make a voting mark on or in the
23 square to the left of the candidate's name."

24 (d) If more than one (1) local public question concerning the
25 retention of a local judge is to be placed on a ballot, the public
26 questions shall be placed on the ballot:

27 (1) in alphabetical order according to the surname of the
28 local judge; and

29 (2) identifying the court (including division or room) in
30 which the judge serves."

31 Page 2, between lines 24 and 25, begin a new paragraph and
32 insert:

33 "SECTION 7. IC 20-3-11-3.1 IS AMENDED TO READ AS
34 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3.1. (a) The
35 board of school commissioners consists of seven (7) members.
36 Each member shall be elected on a nonpartisan basis in ~~primary~~
37 **general** elections held in the county as specified in this section.
38 Five (5) of the members shall be elected from the school board
39 districts in which they reside, and two (2) members shall be
40 elected at large. Not more than two (2) of the members who
41 serve on the board may reside in the same school board district.
42 When a candidate runs for one (1) of the district positions on
43 the board, only eligible voters residing in the candidate's district
44 may vote for that candidate. When a person is a candidate for

one (1) of the at-large positions, eligible voters from all of the districts may vote for that candidate. When a candidate files to run for a position on the board, the candidate must specify whether the candidate is running for a district or an at-large position. All members elected to the board serve four (4) year terms. A candidate who runs for a district or an at-large position wins if the candidate receives the greatest number of votes of all the candidates against whom the candidate runs. Districts shall be established within the school corporation by the state board of education. The districts shall be drawn on the basis of precinct lines and as nearly as practicable, of equal population with the population of the largest not to exceed the population of the smallest by more than five percent (5%). District lines must not cross precinct lines. The state board of education shall establish balloting procedures for the election under IC 3 and other procedures required to implement this section.

(b) Each member of the board of school commissioners serves under section 2 of this chapter. The vacancies in the board of school commissioners shall be filled temporarily by the school board as soon as practicable after the vacancy occurs. The member chosen by the board to fill a vacancy holds office until the member's successor is elected and qualified. The successor shall be elected at the next regular school board election occurring after the date on which the vacancy occurs, at which time the vacancy shall be filled for the remainder of the term.

(c) Persons elected to serve on the board begin their terms on July 1 of the year of their election.

(d) Notwithstanding any law to the contrary, voters shall cast their votes for school board candidates by voting machine or paper ballot.

SECTION 8. IC 20-3-21-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. (a) The governing body of the school corporation consists of seven (7) members. Six (6) members shall be elected as follows:

(1) On a nonpartisan basis.

(2) In a **primary general** election held in the county.

(3) At-large by the registered voters of the entire school corporation.

(b) The membership shall be comprised of the following:

(1) Six (6) of the members shall be elected from the school districts under section 4 of this chapter in which the members reside but who shall, upon election and in conducting the business of the governing body, represent

the interests of the entire school corporation.

(2) One (1) of the members shall be appointed by the mayor of the largest city contained within the school corporation. The member must have knowledge or experience and be familiar with issues related to school business, school finance, and school administration. The member must have resided within the school corporation boundaries the previous five (5) years.

Upon election and in conducting the business of the governing body, a member shall represent the interests of the entire school corporation.

SECTION 9. IC 20-3-22-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. To be eligible to be a candidate for the governing body under this chapter, the following apply:

(1) Each prospective candidate must file a nomination petition with the clerk of the circuit court at least seventy-four (74) days before the ~~primary~~ **general** election at which the members are to be elected that includes the following information:

(A) The name of the prospective candidate.

(B) Whether the prospective candidate is a district candidate or an at-large candidate.

(C) A certification that the candidate meets the qualifications for candidacy imposed under this chapter.

(D) The signatures of at least one hundred (100) registered voters residing within the school corporation.

(2) Each prospective candidate for a district position must:

(A) reside within the district; and

(B) have resided within the district for at least the three (3) years immediately preceding the election.

(3) Each prospective candidate for an at-large position must:

(A) reside within the boundaries of the school corporation; and

(B) have resided within the boundaries of the school corporation for at least the three (3) years immediately preceding the election.

(4) Each prospective candidate (regardless of whether the candidate is a district candidate or an at-large candidate) must:

(A) be a registered voter and must have been a registered voter for at least the three (3) years immediately preceding the election; and

- (B) be a high school graduate or have received a:
 - (i) high school equivalency certificate; or
 - (ii) state of Indiana general educational development (GED) diploma under IC 20-10.1-12.1.

(5) A prospective candidate may not:

- (A) hold any other elective or appointive office; or
 - (B) have a pecuniary interest in any contract with the school corporation or its governing body;
- as prohibited by law.

SECTION 10. IC 20-3-22-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 8. ~~Except as provided in section 9(2) of this chapter,~~ The term of each person elected to serve on the governing body is four (4) years, beginning July 1 following election.

SECTION 11. IC 20-4-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 8. (a) The county committee in formulating a preliminary plan shall, with respect to each of the community school corporations which are a part of the reorganization plan, determine the following:

- (1) The name of the community school corporation.
- (2) A general description of the boundaries of the community school corporation which may consist of identifying an existing school corporation where it is to be included in its entirety in such community school corporation. Where a boundary does not follow the boundary of an existing civil or school corporation, the description shall set out the boundary as near as reasonably possible by streets, rivers, and other similar boundaries which are known by common names, and where this is not thus possible, by section lines or other legal description. No such description shall be defective if there is a good faith effort to comply with the provisions of this subdivision, or if such boundary may be ascertained with reasonable certainty by a person skilled in the area of real estate description. The county committee shall have the authority to require the services of the county surveyor in preparing a description of any boundary line.
- (3) The number of members on the board of school trustees, which shall be either three (3), five (5), or seven (7), and whether such board of school trustees shall be elected or appointed. If appointed, when and by whom. If elected, ~~whether such that the~~ election shall be at ~~the~~ **primary** or at the general election at which county officials are nominated or elected, and subject to the provisions of

sections 26.2 through 26.3 of this chapter, the manner in which such board of school trustees shall be elected or appointed.

(4) The compensation, if any, of the members of the regular and interim board of school trustees, which shall not exceed the amount provided in IC 20-5-3-6. If no compensation is provided in any plan adopted after March 15, 1963, such members shall be entitled to no compensation.

(5) Limitations on residence, term of office, and other qualifications required of the members of such board of school trustees. However, no plan shall provide for an appointive or elective term of more than four (4) years, but any member may serve more than one (1) consecutive term.

(6) The disposition of assets and liabilities in instances where an existing school corporation is divided.

(7) The disposition of school aid bonds, if any.

(b) In instances where existing school corporations are not divided the assets, liabilities, and obligations of the existing school corporations are to be transferred to and assumed by the new community school corporation of which they are a part, without any provisions therefor being made in the plan.

(c) The preliminary plan shall be supported by a summary statement of:

(1) the educational improvements its adoption will make possible;

(2) data showing the assessed valuation, the number of resident pupils in average daily attendance in grades 1 through 12, the assessed valuation per each such pupil, and the property tax levies of each existing school corporation to which the plan applies and such assessed valuation, resident average daily attendance, and assessed valuation per pupil of each proposed community school corporation if it were in existence in the year the preliminary plan is prepared or notices of a hearing or hearings thereon is given by the county committee; and

(3) any other data or information the county committee deems appropriate or that may be required by the state board in its rules.

(d) Such assessed valuations and tax rates shall be based on the valuations applying to taxes collected in the year the preliminary plan is prepared or notices of a hearing or hearings thereon is given by the county committee. The resident average daily attendance figures may be based on the calculation thereof

under the rules pursuant to which they are submitted to the superintendent of public instruction by existing school corporations and shall be set out for the school year in progress in such year if they are available, or for the preceding school year if they are not. All such data and information shall be obtained by the county committee from any source deemed reliable by it, and the statement by the county committee shall be sufficient whether or not exactly accurate, if there is a good faith effort on its part to comply with the provisions of this subsection.

SECTION 12. IC 20-4-1-26.4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 26.4. (a) This section applies to each school corporation, whenever created.

(b) ~~If a plan provides for the election of members of the board of school trustees of the community school corporation at a primary election,~~ At the time provided by ~~IC 3-8-2~~ **IC 3-8-6** for the filing of notice of candidacies for the **primary general** election next following the creation of the community school corporation, nominations for members of the board of school trustees of the community school corporation may be made by a petition signed by the candidates and ten (10) registered voters residing within the boundaries of the community school corporation.

(c) A petition must be filed with the circuit court clerk of the county that contains the greatest percentage of population of the school corporation. If the plan requires residence in a specified district or voting solely in a specified district for a board member office, the petition must clearly state the residence or electoral district from or for which the person is a candidate. If a school corporation is located in more than one (1) county, the circuit court clerk shall, after determining that a petition complies with subsection (b), promptly certify to each circuit court clerk of a county in which the school corporation is located, the names of the candidates to be placed on the ballot.

~~(d) If a plan provides for an election of members of the board of school trustees at a general election, the filing of notice of candidates must be made in the manner provided for filing at primary elections under this section. The filing must be made within the same period of time before the general election as would have been required before the primary election had the election been held at the latter time.~~

~~(e)~~ **(d)** All nominations shall be listed for each office in the form prescribed by ~~IC 3-10-1-19~~ or IC 3-11-2, but without party designation. Voting and tabulation of votes shall be conducted

1 in the same manner as voting and tabulation in **primary general**
 2 elections are conducted. The precinct election boards serving at
 3 each **primary general** election in each county shall conduct the
 4 election for school board members. If a school corporation is
 5 located in more than one (1) county, each county election board
 6 shall print the ballots required for voters in that county to vote
 7 for candidates for members of the board of school trustees of
 8 the school corporation.

9 ~~(f)~~ (e) If the plan provides that the board of school trustees
 10 shall be elected by all the voters of the community school
 11 corporation, candidates shall be placed on the ballot in the form
 12 prescribed by ~~IC 3-10-1-19~~ or IC 3-11-2, without party
 13 designation. Candidates elected shall be those having the
 14 greatest number of votes.

15 ~~(g)~~ (f) If the plan provides that members of the board of
 16 school trustees are to be elected from residence districts by all
 17 voters in the community school corporation, nominees for the
 18 board of school trustees shall be placed on the ballot in the form
 19 prescribed by ~~IC 3-10-1-19~~ or IC 3-11-2 by residence districts
 20 without party designation. The ballot must state the number of
 21 members to be voted upon and the maximum number that may
 22 be elected from each residence district as provided in the plan.
 23 A ballot is not valid where more than the maximum number are
 24 voted upon from a board member residence district. Candidates
 25 having the greatest number of votes are elected. However, if
 26 more than the maximum number that may be elected from a
 27 residence district are among those having the greatest number
 28 of votes, the lowest of those candidates from the residence
 29 districts in excess of the maximum number shall be eliminated
 30 in determining the candidates who are elected.

31 ~~(h)~~ (g) If the plan provides that members of the board of
 32 school trustees are to be elected from electoral districts solely
 33 by the voters of each district, nominees residing in each
 34 electoral district shall be placed on the ballot in the form
 35 prescribed by ~~IC 3-10-1-19~~ or IC 3-11-2 without party
 36 designation. The ballot must state the number to be voted on
 37 from the electoral district. Candidates residing in the electoral
 38 district having the greatest number of votes are elected.

39 SECTION 13. IC 20-4-1-26.5 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 26.5. (a) This
 41 section applies to each school corporation, whenever created.

42 (b) If the board of school trustees is to be elected at the
 43 primary election, each registered voter may vote in the board of
 44 school trustee election without otherwise voting in the primary

1 ~~election.~~

2 ~~(c)~~ (b) If a tie vote occurs among any of the candidates, the
3 judge of the circuit court, or in case of a united school
4 corporation the judge of the circuit court of the county having
5 the most pupils enrolled in the united school corporation shall
6 select one (1) of the candidates who shall be declared and
7 certified elected.

8 ~~(d)~~ (c) If after the first board of school trustees takes office
9 there is a vacancy on the board of school trustees for any
10 reason, including the failure of the sufficient number of
11 petitions for candidates being filed, and whether the vacating
12 member was elected or appointed, the remaining members of
13 the board of school trustees, whether or not a majority of the
14 board, shall by a majority vote fill the vacancy by appointing a
15 person from within the boundaries of the community school
16 corporation, with the residence and other qualifications
17 provided for a regularly elected or appointed board member
18 filling the office, to serve for the term or balance of terms
19 respectively. If a tie vote occurs among the remaining members
20 of the board or the board fails to act within thirty (30) days after
21 any vacancy occurs, the judge of the circuit court in the county
22 where the majority of registered voters of the school
23 corporation reside shall make the appointment.

24 ~~(e)~~ (d) A vacancy in the board of trustees occurs if a member
25 ceases to be a resident of any community school corporation. A
26 vacancy does not occur when the member moves from a district
27 of the school corporation from which the member was elected
28 or appointed as long as the member continues to be a resident
29 of the school corporation.

30 ~~(f)~~ (e) At the first ~~primary or~~ general election in which
31 members of the board of school trustees are elected, a simple
32 majority of the candidates elected as members of the board of
33 school trustees who receive the highest number of votes shall
34 be elected for four (4) year terms. The balance of the candidates
35 elected as members of the board of school trustees receiving the
36 next highest number of votes shall be elected for two (2) year
37 terms. Thereafter, all school board members shall be elected for
38 four (4) year terms.

39 ~~(g)~~ (f) Board members elected in November take office and
40 assume their duties on January 1 or July 1 after their election,
41 as determined by the board of school trustees before the
42 election. ~~Board members elected in May take office and assume~~
43 ~~their duties on July 1 after their election.~~

44 SECTION 14. IC 20-4-3-1 IS AMENDED TO READ AS

1 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) In a
 2 community school corporation set up under IC 20-4-1 that has
 3 a population of more than seventy-five thousand (75,000) but
 4 less than ninety thousand (90,000) and that is the successor in
 5 interest to a school city having the same population, the
 6 governing body shall consist of a board of trustees of five (5)
 7 members elected in the manner provided in this chapter.

8 (b) ~~At the time of the 1968 primary election and at each such~~
 9 ~~primary election every four (4) years thereafter, there shall be~~
 10 ~~elected in each school corporation embraced within the terms~~
 11 ~~of this chapter two (2) school trustees each of whom shall serve~~
 12 ~~for a period of four (4) years. The two (2) candidates for the~~
 13 ~~office of school trustee receiving the highest number of votes at~~
 14 ~~such election shall take office on July 1 next following the~~
 15 ~~election. At the time of the 1970 primary election and at each~~
 16 ~~such primary election every four (4) years thereafter, there shall~~
 17 ~~be elected in each school city embraced within the terms of this~~
 18 ~~chapter three (3) school trustees each of whom shall serve for~~
 19 ~~a period of four (4) years. The three (3) candidates for the office~~
 20 ~~of school trustee receiving the highest number of votes at such~~
 21 ~~election shall take office on July 1 next following the election.~~
 22 ~~Thereafter, such school trustees shall be elected at the times~~
 23 ~~above provided and shall succeed the retiring members in the~~
 24 ~~order and manner as set forth in this subsection. Board~~
 25 ~~members are elected at the general election.~~

26 SECTION 15. IC 20-4-3-2 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) The board
 28 of school trustees shall be elected on a general ticket **at a**
 29 **general election** for a term of four (4) years by the voters of
 30 any such school city. ~~A voter may vote in such primary election~~
 31 ~~for school trustees without otherwise voting and without~~
 32 ~~declaring party preference.~~ An individual is not eligible for the
 33 office of school trustee for more than three (3) terms out of four
 34 (4) consecutive terms. A term, or any part of a term, filled as a
 35 result of a vacancy upon such board of school trustees is within
 36 the provisions of this limitation. The members of such board
 37 shall be elected at the time of the **primary general** elections as
 38 provided in section 1 of this chapter and shall be taken from the
 39 city at large without reference to district. Such election shall be
 40 held under IC 3-10-1, insofar as it is not inconsistent with the
 41 provisions of this chapter.

42 (b) At the time provided by law for the filing of declaration
 43 of candidacy for the **primary general** election in which
 44 members of the board of school trustees are to be elected as

provided for in this chapter, legal voters of such city may present names of candidates for election as members of the board of school trustees to the county election board in each county in which is situated a school city within the contemplation of this chapter as follows:

(1) Each candidate shall be proposed in a petition in writing signed by not fewer than two hundred (200) legal voters of such school city.

(2) Not more than one (1) candidate may be named in any one (1) petition.

(3) No legal voter may sign petitions for a greater number of candidates than the number of school trustees to be elected in the **primary general** election concerned.

(c) Upon the presentation of such petition to the county election board, the board shall publish the names proposed in accordance with IC 5-3-1 and shall certify such nominations in the manner as required by law. Such election shall be conducted in accordance with IC 3.

(d) The county election board shall prepare the ballot for the **primary general** election at which school trustees are to be elected as provided in this section so that the names of the candidates nominated for the office of school trustee appear on the ballot in alphabetical order, without party designation and in the form prescribed by **IC 3-11-2**. The name of any candidate shall not be published and placed on the ballot by the county election board if it shall appear that the candidate is ineligible for membership on the board of school trustees under the provisions of this chapter. Each voter may vote for as many candidates as there are school trustees to be elected.

SECTION 16. IC 20-4-8-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 8. (a) At the time provided by ~~IC 3-8-2-4~~ **IC 3-8-6** for filing a declaration of candidacy for the **primary general** election next following the creation of the county school corporation as provided in this chapter, nominations for members of the board of education of said county school corporation shall be made by a petition signed by the nominee and ten (10) voters of the county residing in the same board member district as the nominee, which shall be filed with the clerk of the circuit court in the respective county. Such nominations shall be listed by board member districts on the **primary general** election ballot as prescribed by ~~IC 3-10-1-19~~, **IC 3-11-2**, but without party designation.

(b) Voting and tabulation of votes shall be conducted in the

1 same manner as in ~~primary general~~ elections under ~~IC 3-10-1~~.
 2 **IC 3-11-2 and IC 3-12.** The candidates elected from each
 3 board member district and at large shall be the persons having
 4 the greatest number of votes. If in the first election more than
 5 two (2) candidates in any one (1) board member district shall be
 6 among those who received the greatest number of votes or if in
 7 any subsequent election more than one (1) person shall be
 8 among those who received the greatest number of votes, then
 9 the candidate or candidates respectively receiving the next
 10 greatest number of votes in other board member districts
 11 respectively shall be declared elected. In the event of a tie vote
 12 for any of said candidates, the judge of the circuit court shall
 13 select one (1) of said candidates who shall be declared and
 14 certified elected.

15 (c) If at any time there shall occur a vacancy or vacancies on
 16 the board for any reason including the failure of the sufficient
 17 number of petitions for candidates being filed, it shall be the
 18 duty of the judge of the circuit court to fill said vacancies by
 19 appointing a person or persons from the respective board
 20 member district or districts to serve for the term or balance of
 21 terms respectively.

22 (d) ~~At the first primary election wherein members of the~~
 23 ~~county board of education shall be elected, the three (3)~~
 24 ~~candidates who receive the highest number of votes in each of~~
 25 ~~the respective board member districts shall be elected for four~~
 26 ~~(4) year terms and the two (2) candidates from different districts~~
 27 ~~receiving the next highest number of votes respectively shall be~~
 28 ~~elected for two (2) year terms.~~ All candidates for membership
 29 on the county board of education shall be voted upon by the
 30 voters in the county school corporation district only and shall be
 31 elected for four (4) year terms after the first election and shall
 32 take office and assume their duties one (1) week after their
 33 election.

34 SECTION 17. IC 20-4-8-18 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 18. (a)
 36 Members of the metropolitan board of education shall be
 37 elected by the registered voters of the metropolitan school
 38 district at the **primary general** elections held biennially in the
 39 state commencing with the next **primary general** election which
 40 is held more than sixty (60) days after the creation of the
 41 metropolitan school district as provided herein. Nominations
 42 for each member of the board of education shall be made by a
 43 petition signed by the nominee and by ten (10) registered voters
 44 residing in the same board member district as the nominee.

Such petition shall be filed not earlier than the date on which a petition of nomination may first be filed under IC 3-8-6-10 and not later than noon on the last date provided by ~~IC 3-8-2-4~~ **IC 3-8-6-10** for the filing of a declaration of candidacy for the **primary general** election with the clerk of the circuit court in each county in which such metropolitan school district is located.

(b) Nominees for school board members shall be listed on the **primary general** election ballot in the form prescribed by ~~IC 3-10-1-19~~, **IC 3-11-2** by board member districts without party designation. Such ballot shall state thereon the number of board members to be voted upon and the maximum number which may be elected from each board member district in compliance with section 15 of this chapter. No ballot shall be valid where more than such maximum number are voted upon from any such board member district. The election boards in the various precincts and in the county or counties serving at each **primary general** election shall conduct the election for school board members. Each registered voter may vote in such school board election without otherwise voting in the **primary general** election.

(c) Voting and tabulation of votes shall be conducted in the same manner as voting and tabulation in **primary general** elections are conducted, and the candidates having the greatest number of votes shall be elected. If more than the maximum number which may be elected from any board member district as provided in section 15 of this chapter are among those having the greatest number of votes, the lowest of those candidates from such board member district in excess of such maximum number shall be eliminated in determining the candidates who are elected. In the event of a tie vote for any of said candidates, the judge of the circuit court in the county where the majority of the registered voters of the metropolitan school district reside shall select one (1) of said candidates who shall be declared and certified elected.

(d) If at any time after the first board member election there shall occur a vacancy on the board for any reason including but not limited to the failure of the sufficient number of petitions for candidates being filed, and whether the vacating member was elected or appointed, the remaining members of the metropolitan board of education, whether or not a majority of the board, shall by a majority vote fill such vacancy by appointing a person from the board member district from which the person who vacated the board membership was elected, or

1 if such person was appointed, the board member district from
 2 which the last elected predecessor of such person was elected.
 3 In the event of a tie vote among the remaining members of the
 4 board or their failure to act within thirty (30) days after any
 5 such vacancy occurs, it shall be the duty of the judge of the
 6 circuit court in the county where the majority of registered
 7 voters of the metropolitan school district reside to make such
 8 appointment. A successor to such appointive board member
 9 shall be elected at the next **primary general** election which is
 10 held more than sixty (60) days after any elected board member
 11 vacates membership on the board; or at the **primary general**
 12 election held immediately prior to the end of the term for which
 13 such vacating member was elected, whichever is sooner. Unless
 14 such successor takes office at the end of the term of such
 15 vacating member, the member shall serve only for the balance
 16 of such term. In any election of a successor board member to
 17 fill a vacancy for a two (2) year balance of a term, nominating
 18 petitions for school board membership candidacy need not be
 19 filed for or with reference to the vacancy. The elected candidate
 20 who receives the lowest number of votes at the election at
 21 which such successor is elected shall serve for such two (2) year
 22 term.

23 (e) ~~At the first primary election wherein members of the~~
 24 ~~metropolitan board of education shall be elected under this~~
 25 ~~section; a simple majority of the elected candidates, consisting~~
 26 ~~of those elected candidates who receive the highest number of~~
 27 ~~votes, shall be elected for four (4) year terms and the balance of~~
 28 ~~the elected candidates, consisting of those who received the~~
 29 ~~lowest number of votes, shall be elected for two (2) year terms.~~
 30 All candidates for membership on the metropolitan board of
 31 education shall be voted upon by the voters of the entire district,
 32 shall be elected for four (4) year terms after the first election,
 33 and shall take office and assume their duties July 1 following
 34 their election.

35 SECTION 18. IC 20-4-10.1-15 IS AMENDED TO READ
 36 AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 15.
 37 ~~Limitation on Elections and Adoption of Plan.~~ No election shall
 38 be held under this chapter more than once each eighteen (18)
 39 months. No plan for any governing body may be adopted more
 40 than once each six (6) years, except:

- 41 ~~(1) where the plan provides solely for changing the time of~~
 42 ~~voting of board members from the primary to the general~~
 43 ~~election; or from the general to the primary election;~~
 44 ~~(2) (1) in the event any plan adopted is declared or held to~~

be invalid by a binding judgment or order in any United States or Indiana court from which no appeal or further approval can be taken; or

(3) (2) where the plan provides solely for changes in items specified in section 2(5) of this chapter.

SECTION 19. IC 20-4-19-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. (a) The board members of the merged school corporation shall be elected at the first ~~primary~~ **general** election following its creation, and vacancies shall be filled in accordance with IC 20-4-1-26.5.

(b) Until such first election, the board of trustees of the merged school corporation shall consist of the members of the governing body of any school corporation in the county other than a school township and the township trustee of any school township in the county.

(c) The first board of trustees shall select the name of the merged school corporation by a majority vote. Such name may be changed from time to time by unanimous vote of the governing body of the merged school corporation.

SECTION 20. IC 20-4-57 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]:

Chapter 57. Election of Governing Body Members at General Elections

Sec. 1. This chapter applies to a school corporation created under IC 20-2, IC 20-3, or this article.

Sec. 2. Notwithstanding a provision in the plan of a school corporation to the contrary, if a school corporation's plan includes the election of members of the governing body, the election shall be held at the general election."

Page 3, line 16, after "July 1, 1999]:" insert "IC 20-3-21-9, IC 20-3-22-9".

Page 3, between lines 31 and 32, begin a new paragraph and insert:

"SECTION 22. [EFFECTIVE JULY 1, 1999] (a) **Notwithstanding any other law, the term of a member of the governing body of a school corporation who was elected May 7, 1996, expires December 31, 2000.**

(b) **Notwithstanding any other law, the term of a member of the governing body of a school corporation who was elected May 5, 1998, expires December 31, 2002.**

(c) **This SECTION expires January 1, 2003."**

Re-number all SECTIONS consecutively.

(Reference is to HB 1085 as printed February 26, 1999.)

Representative AYRES